

**Exhibit 40**

The Honorable Roger Rogoff  
Hearing Date: Tuesday, March 5, 2019  
Without Oral Argument

STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

TVI, INC., d/b/a Value Village,

Defendant.

No. 17-2-32886-3-SEA

ORDER DENYING (IN PART)  
TVI'S MOTION TO COMPEL

This matter having come before the Court on Defendant TVI, Inc.'s Motion to Compel, and the Court having reviewed the Motion, the Plaintiff State of Washington's Response, and Defendant's Reply, as well as the exhibits thereto, and being otherwise familiar with the records and files herein, the Court hereby orders as follows:

Defendant TVI, Inc.'s Motion to Compel is DENIED, in part.

The Secretary of State is a separately elected official overseeing a distinct State agency that is not involved in bringing the instant lawsuit. Defendant may serve non-party discovery on the Secretary of State if they believe relevant information exists in that agency's possession.

The Court similarly denies CR 30(b)(6) deposition of the Attorney General's Office as a whole. The named party shall decide who to designate a representative who can fulfill the

1 requirements of CR 30(b), and in this case, that designate can be a representative of the  
2 Consumer Protection Division.

3 The Court grants Defendant's request to compel certain discovery of the Attorney  
4 General's Office more broadly via written interrogatories to discover whether any  
5 material/relevant evidence related to the causes of action in the Complaint exist outside the  
6 Consumer Protection Division within the Attorney General's Office. However, those requests  
7 shall be limited and reasonable. The Court's ruling is designed to speed up discovery since  
8 Plaintiff can quickly and easily communicate with other divisions within its office. Privileged  
9 and work product communications shall remain protected.  
10

11 Dated this 7 day of March, 2019.  
12

13   
14 HONORABLE ROGER ROGOFF  
15  
16

17 Presented by:

18 ROBERT W. FERGUSON  
19 Attorney General

20 s/ Seann Colgan

21 JOHN A. NELSON, WSBA #45724  
22 SHIDON B. AFLATOONI, WSBA #52135  
23 SEANN COLGAN, WSBA# 38769  
24 Assistant Attorneys General  
25 Attorneys for the State of Washington  
26